

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

KAWANNA MANNING AND K.M, M.M. BY AND
THROUGH THEIR GUARDIAN AND NEXT FRIEND
KAWANNA MANNING

PLAINTIFF

V.

CIVIL ACTION NO. 3:11 CV 73 DPJ-FKB

WESTOVER APARTMENTS, LLC, ET AL.

DEFENDANTS

ORDER

This cause is before the Court on motion of Defendant Danny Pettey to dismiss Plaintiffs' claims against him pursuant to Federal Rule of Civil Procedure 12(b)(5). Plaintiffs concede that service was not proper on Danny Pettey and do not contest to dismissal of their claims against him without prejudice.

Accordingly, Defendant's motion to dismiss [8] is granted. Defendant Pettey is dismissed from this action.

SO ORDERED AND ADJUDGED this the 11th day of April, 2011.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE